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Docket No.: 4266-0121PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Engelbert ECKER et al.

Application No.: 10/581,250

Confirmation No.: 1825

Filed: May 31, 2006

Art Unit: N/A

For: OPERATING-PHASE-DEPENDENT
CONTROL OF A HEAT-RECOVERY DEVICE
IN DISHWASHERS

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Subsequent to the filing of the above-identified application on May 31, 2006, attached hereto is an English translation of the International Preliminary Report on Patentability (Form PCT/IB/338) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any


Application No.: 10/581,250

Docket No.: 4266-0121PUS1

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: February 27, 2007

Respectfully submitted,

By 

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Attachment(s)

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

HÖRSCHLER, Wolfram
Isenbruck Bösl Hörschler Wichman Huhn
Theodor-Heuss-Anlage 12
68165 Mannheim
ALLEMAGNE

B 1	
B 2	
B 3	
Sekr	gc
EDV	
Ablg.	

Date of mailing (day/month/year) 11 January 2007 (11.01.2007)	Isenbruck Bösl Hörschler Wichmann Huhn, Patentanwälte Theodor-Heuss-Anlage 12 D-68165 Mannheim	
Applicant's or agent's file reference ME62580PC	24. Jan. 2007	IMPORTANT NOTIFICATION
International application No. PCT/EP2005/000483	Frist: Vorfrist: WV:	
Applicant MEIKO MASCHINENBAU GMBH & CO. KG et al		International filing date (day/month/year) 19 January 2005 (19.01.2005)

1. Transmittal of the translation to the applicant.

☐

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☒

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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Authorized officer

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ME62580PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/000483	International filing date (day/month/year) 19.01.2005	Priority date (day/month/year) 26.01.2004
International Patent Classification (IPC) or national classification and IPC A47L15/24		
Applicant MEIKO MASCHINENBAU GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000483

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-13 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 received by this Authority on 17.06.2005 with letter of 17.06.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets 1/3-3/3 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000483

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-10</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. <u>Independent device claim 1</u>			
<p>Closest prior art: DE-A-19644438 (D1) discloses a pass-through dishwasher with a drying zone (68 - figure 1) having an opening for drawing off hot air (figure 1).</p>			
<p>Differentiating technical features: the openings for drawing off air or for drawing off the total volume of an outgoing air stream can be closed and opened by means of at least one closing element. The at least one closing element can be directly or indirectly actuated by the rinsed goods over deflectable lever elements.</p>			
<p>Technical effects: the openings which admit vapour into the heat-recovery device are controlled depending on the operational state of the device.</p>			
<p>Objective technical problem: to minimise the quantity of outgoing air and hence the energy discharged by a dishwasher.</p>			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000483

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Inventive step: DE-A-2253624 (D4) discloses a pass-through dishwasher comprising a switch (48) actuated by the rinsed goods. However, that switch is only used to activate the end-rinsing nozzles (44, 46). A combination of this teaching of D4 with the teaching of D1 would not lead to claim 1.

Industrial applicability: the claimed pass-through dishwasher is considered to be industrially applicable.

Conclusion: the subject matter of independent claim 1 meets the requirements of PCT Article 33(2), 33(3) and 33(4)).

2. Dependent claims 2-5

These claims relate to advantageous developments of the dishwasher according to the subject matter of independent claim 1 and thus also meet the requirements of PCT Article 33(2), 33(3) and 33(4)).

3. Dependent process claim 6

Claim 6 relates to the operation of the pass-through dishwasher as per claim 1 and thus also meets the requirements of PCT Article 33(1).

4. Dependent claims 6-10

These claims are drafted as dependent claims within the meaning of PCT Rule 6.4.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000483

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Description

Contrary to PCT Rule 5.1(a)(iii), the description
is not in line with the claims.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000483

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Independent claim 1

1.1 The reasoned statement regarding compliance with the requirements of PCT Article 33(1) was based on the subject matter of an independent claim 1 in which it would be specified that the deflectable lever elements can be actuated directly or indirectly by the rinsed goods.

1.2 According to the subject matter of the present claim 1, the feature "heat-recovery device" should be regarded as optional. Consequently, at least part of the problem disclosed on page 3, paragraph 2, does not appear to have been solved. The requirements of PCT Article 6 are thus not met.

2. Dependent claim 9

The subject matter of this claim is unclear because the feature "fourth flap (28)" has not been previously defined. The requirements of PCT Article 6 are thus not met.